



**City Council
Regular Meeting
Tuesday, June 20, 2006
7:00 P.M.**

The regularly scheduled meeting of the Trinity City Council was held on Tuesday, June 20, 2006 at the Trinity Memorial United Methodist Church.

MEMBERS PRESENT: Mayor Frances Andrews, Council members Karen Bridges, Phil Brown, Barbara Ewings, Bob Labonte, Barry Lambeth, Dwight Meredith, Edith Reddick, and Miles Talbert.

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Ann Bailie; City Attorney, Bob Wilhoit; City Planning/Zoning Administrator, Adam Stumb; City Clerk/FO, Debbie Hinson; City Engineer Randy McNeill; Members of the Press; and other interested parties.

Call to Order

Mayor Andrews called the June 20, 2006 Regular Meeting of the Trinity City Council to order at 7:07 pm.

Pledge of Allegiance

Mayor Andrews led the Pledge of Allegiance.

Invocation

The invocation was given by Council member Reddick.

Welcome Guest and Visitors

Mayor Andrews welcomed and thanked all persons in attendance and for their interest in the City.

Public Concerns and Commendations

None

Opening Comments from Members of Council

Mayor Andrews introduced the new Administrative Assistant Tammy Young to the audience and Council members.

Reports/Funding Request

ITEM 1. Proposal for Trinity Law Enforcement (Capt. Maynard Reid, Randolph County Sheriff's Dept.)

Mayor Andrews opened this item and introduced Captain Maynard Reid, Randolph County Sheriff's Department.

Captain Reid thanked Council for allowing them to speak and introduced Major Fred Rutledge. He advised Council members that Major Rutledge would speak to Council regarding the proposals to provide Law Enforcement for the City of Trinity.

Major Rutledge shared with Council information concerning 911 calls within the city limits of Trinity for the last 2 years. These two reports are separate; with one (1) indicating the number of calls and one the actual number of reports written by an officer. These reports show that the calls outweigh the number of actual reports made.

Major Rutledge discussed the following 2 proposals advising Council that these proposals could be reviewed and alterations made.

Option 1: 1 deputy 7 days a week 8 hours a day- To provide this option the County will have to provide an off duty officer and will probably be a different officer every day to manage an 8:00 to 5:00 time period for 7 days a week. This person would talk with citizens in the City but because there would be someone new each day would not allow the officer to get to know your town as well as if you did one (1) officer specifically designated to Trinity for 40 hours per week. The costs for this proposal are \$49, 640.00 annually.

Option 2: 1 deputy 5 days a week- The City may elect not to work this deputy Monday through Friday and may wish to work him Tuesday through Sunday. This would allow you to have the same officer all the time. He would have benefits and we would not be trying to find officers that were off duty to provide this service. This proposal for 1 person with benefits, with the Sheriff's office providing a patrol car, radio, and accessories totals \$41,801.89 annually to provide service 5 days per week.

The costs break down as follows:

Salary - 31,238, FICA- 2,389.71, Retirement- 1,396.34, 401K- 1561.09, Group Insurance- 4,500.00, Workman's Compensation -\$8,122.00, Unemployment Insurance- 6,872.00, Liability Insurance- \$566.00 totaling \$ 41,801.89.

If the City preferred to have the officer on duty Saturday and Sunday these days could be part of the 5 day cycle. People are gone often on Saturday and Sunday. We do not normally have as many break-ins on these days as we do during the week when residents are at work. You may then want to opt for Monday through Friday. I have been instructed that we will work with Trinity and try to accommodate any alterations that you may want to do.

Council and Major Rutledge discussed how this would work with the services currently provided in the City. Major Rutledge advised Council members that this officer would be in addition to any service already provided. The County is divided into 4 zones. Trinity is located in Zone 1 and consists of 220 square miles. We keep 2 officers in this zone at all times. Our Sergeant is our roving officer that works between Zone 1 and Zone 4. When we get a 911 call we send the closest car. The advantage of what you are considering is that an officer would be here all of the time in your City Limits as well as the other 2 officers that currently patrol this zone. We will back this officer up and take the next call if he is busy. Captain Reid discussed how this officer would be visible to the citizens in Trinity and would be at your disposal. This one (1) officer will patrol within the City Limits.

Council member Bridges discussed a report requested by Council that indicated the peak activities that might help Council make a determination when this proposed officer would be needed the most. Major Rutledge advised Council that once Trinity hired an officer everything that is done will be tagged in the computer as an occurrence in the City. We have never distinguished the City from Zone 1. Therefore, we could not pinpoint what happened in Trinity. We can tell you every call that has been answered in Trinity since 911 has the ability to track this on their CAD System. Once we tag everything that happened with the City Officer we could provide this information

Major Rutledge assured Council that what they were asking for would be in addition to what is already provided in Trinity.

Manager Bailie and Major Rutledge discussed the possibility of hiring one (1) officer for 5 days and 1 part time for officer for the weekends.

Prior to discussion concerning the request from the Friends of Trinity, Mayor Andrews asked Mr. Danny Phillips to come forward and address this item. Mr. Phillips advised Council the issue he wished to discuss tonight was the Independence Celebration in the City of Trinity. This is the 3rd year of this celebration. The first 2 years were great and we expect the 3rd year to be bigger. He discussed the expense involved with growth. Expenses will increase for advertisement, entertainment, portable bathrooms, and tents. We would like to know if the City would be willing to form a partnership in the celebration. We will not stop with this celebration and will continue to have this annual event. I believe the citizens enjoy this celebration.

Council members and Mr. Phillips discussed the amount requested as well as the liabilities that the city may incur. Mr. Phillips advised Council his organization's request was for \$700.00.

ITEM 2. Request for Funding from Friends of Trinity for Independence Day Celebration

Mayor Andrews opened this item and asked Ms. Hinson to brief Council on this request.

Ms. Hinson briefly reviewed with Council the information used to determine this funding request and advised Council because this was a 501-C3 organization donation dollars would not jeopardize the liability of the City as a co-sponsors of this event, however the City of Trinity did not need to be listed on any flyers, advertisements, or publications as co-sponsors of this event as originally indicted on the funding request.

Ms. Hinson recommended that Council consider the full funding request of \$700.00 with a minimum funding donation of \$500.00 since this was the amount needed to pay the retainer fee for the Elvis Impersonator as indicated on the application. It was further recommended that the donations be handled on a receipt reimbursement basis as was done for the General Hardee Event earlier this year.

Motion by Council member Bridges that the City of Trinity approve the \$700.00 request from Friends of Trinity not as co-sponsors, and that it be made on a receipt reimbursement basis, seconded by Council member Talbert and approved unanimously by all Council members present.

Public Hearings

ITEM 3. Annual Budget – Fiscal Year 2006-2007

Mayor Andrews opened the Public Hearing.

Manager Bailie advised members of the audience that the total Proposed Budget for the 2006-2007 Fiscal Year was approximately 2.8 million dollars. This is an approximate decrease of 45% from the current budget. This decrease is due primarily to the near completion of the Colonial Heights Sewer Project.

Speaking For:

NONE

Speaking in Opposition

Marcia Riddick,- Ms. Riddick discussed the Land Development Meeting where the 15 million dollar bond referendum was discussed and the price increase from 15 million to 25 million because of price increases. She asked how the deficit would be paid for.

Manager Bailie discussed the 15 million dollar bond referendum and advised members of the audience this amount would not cover all of the identified phases. It was initially planned that the City would contribute 25% toward these projects in addition to the bond proceeds. The increases in these projects are significant. The plan currently is to do short term construction loans. We have a considerable Fund Balance and I anticipate that we will be using to pay for some of those phases. We are also setting aside 75% of our Sales Tax monies to help pay for these phases.

Council member Bridges asked that Manager Bailie review the Budget Highlights for the audience.

Manager Bailie reviewed the following for members of the audience:

This budget reflects a decrease from last years budget, we have proposed 50,000 for law enforcement, 40,000 for solid waste to fund the City Haul Program and to make improvements to our current recycling site or possibly relocation of our site, 40,000 for Planning and this would be a continuation of the planning that is going on for the current Land Use Plan. It is not specifically directed towards any particular project and could be used for any number of projects that Council may decide to use it for during the upcoming year. 17,500 to begin a system of greenways along the sewer right of ways, 50,000 to a capital reserve fund for a new City Hall, and 40,000 annually for a full time person in the Planning Department.

This budget calls for an increase in taxes of .05 cents per \$100.00 valuation for a total of 10 cents per \$100.00 valuation.

At this time Mayor Andrews Closed Public Hearing.

Discussion from Council:

Council member Talbert stated he felt the Council should move the 40,000 designated for Land Development Planning to the future City Hall building amount of \$50,000 adjusting the total to \$90,000.

Mayor Andrews discussed the need for a plan for City property in order to know where to locate the City Hall Building. This money could be used to hire someone to develop a plan for that. There was further discussion between Council members and Mayor Andrews concerning the use of the City Engineer to design a plan and the need for a landscaping engineer. Council member Brown discussed the need to consider the tax increase proposed for the citizens and his feelings concerning sacrifices that the City should be willing to absorb. This is not completely necessary this year. Council member Bridges discussed the problem that would arise if this money were changed and designated to the Capital Reserve Fund. If this is done we have no latitude to use this money for anything else. There was further discussion between Council members and Manager Bailie concerning this budgeted amount as well as the 40,000.00 already expended on the Land Use Plan.

Manager Bailie advised Council the \$40,000.00 was for the Land Use Plan. This budget line item is proposed for a small area plan. It could be something that has been identified that Council would like to take a closer look at; it could be for development of City property. It is not for designing a City Hall. It is to allow us to continue the planning process to address future development.

Council member Talbert stated he felt this was excessive for design of a Land Use and is an addition of \$40,000.00 that we have already spent for a questionable plan. I can't see spending another \$40,000.0 for that. The City of Trinity has the talents within the City to build a City Hall and develop the City property. Do you think it takes \$40,000 to design a park for 40 acres? I don't think so and we had the design at one time and we have a talented City Engineer that can do that. We do not need \$40,000.00 for additional design.

With no further discussion, Mayor Andrews called for a motion.

Motion by Council member Talbert to put the Land Development Planning \$ 40,000.00 into the City Hall building Fund, seconded by Council member Brown

Prior to the vote Council member Ewings asked for clarification of the motion at which time Council member Talbert restated his motion.

At this time Council member Bridges offered an amendment to the motion to either leave \$15,000 in the Land Use and move to the balance to the Building Fund or \$25,000 in the Land Use and the Balance to the Building Fund.

Council member Talbert refused accept the amendment to his original motion, therefore the proposed amendment died on the floor.

At this time, Mayor Andrews restated Council member Talbert's motion to put the Land Development Planning \$ 40,000.00 into the City Hall Building Fund, increasing this to \$90,000.00.

Voting Aye

***Council member Talbert
Council member Brown
Council member Ewings
Council member Meredith***

Voting Nay

***Council member Bridges
Council member Labonte
Council member Lambeth
Council member Reddick***

Mayor Andrews broke the tie by voting Nay. The motion to put the Land Development Planning \$ 40,000.00 into the City Hall Building Fund, increasing the amount to \$90,000.00 was defeated with a vote of 5 to 4.

At this time Council member Brown discussed deleting the \$50,000 from the Budget. He discussed comments that he received from residents in regards to the tax they currently paid and the fact that no services were provided. Council member Brown stated he did not agree with doubling the tax rate at this point in time. It is hard for me to justify doubling the tax rate and not providing more services that are currently provided.

Council member Bridges made a motion to approve the Budget as written, seconded by Council member Reddick.

Voting Aye

***Council member Bridges
Council member Labonte
Council member Lambeth
Council member Reddick***

Voting Nay

***Council member Talbert
Council member Brown
Council member Ewings
Council member Meredith***

Mayor Andrews broke the tie by voting Aye. The motion to approve the annual operating budget was approved with a vote of 5 to 4.

Council member Reddick discussed a question she was asked during one (1) of the public forums while running for City Council. I was asked if Trinity got in a financial bind what would you do to try to keep Trinity out of a financial bind. My answer was that I would try to keep abreast of what was taking place in the city that dealt with money. Because I am on the Budget Committee and see how prices have increased as well as the assumption of debt payment to the City of Thomasville beginning in 2008, I did not want the City to come up in 2 years and advise our citizens that we may be like other municipalities where the state will try to take us over because we don't have any money. My taxes are being doubled just like all of the other residents in this city. I have not received any calls advising me that anyone was unhappy with the tax increase. That is why I voted for this.

No public hearing required for the following budget-related items

A. Budget Amendment No. 6 - Amendments to Current Budget

Manager Bailie discussed the Budget Amendment advising Council members that the majority of this amendment is redistributing money from one line item to another. This applies to all departments except the Finance Department. This department only contains 3 line items and does not have the means to redistribute between line items. Therefore the Revenues for Interest on Investments were increased \$10,000.00. This was done to cover a potential deficit in this department.

Motion by Council member Reddick to approve Budget Amendment No.6 as proposed by the City Manager seconded by Council member Bridges and approved unanimously by all Council members present.

B. Amendments to Local Sewer Capital Project Ordinance

Manager Bailie advised Council members this was a redistribution of the money that is already budgeted in the Colonial Heights Sewer Project. This amendment increases Technical Engineer Fees \$10,000.00 and decreasing the Contingency for the same amount.

Motion by Council member Talbert to approve Amendments to Local Sewer Capital Project Ordinance, seconded by Council member Lambeth, and approved unanimously by all Council members present.

C. Amendments to CDBG Capital Project Ordinance

Manager Bailie advised Council members this would give everyone a good indication of how much costs have risen since this Ordinance was approved approximately 2 years ago. We received Grant Funding from the State for \$750,000.00. The Budget for providing sewer in the Darr Road Service Area servicing approximately 66 existing homes at that time was \$1, 160,000.00. Payment for this project was budgeted by using \$750,000.00 received from a CDBG Grant and \$410,000.00 to be paid by the City for their portion of this project. The Budget for the project has now increased to \$1, 540,000.00 and represents an increase of \$380,000.00. The City will be responsible for this increase because the Grant does not change. This will change the City Match for this project to \$790,000.00.

Motion to approve Amendments to the CDBG Capital Project Ordinance, seconded by Council member Ewings, and approved unanimously by all Council members present.

D. Amendments to Grant/Bond Capital Project Ordinance

Manager Bailie advised Council this amendment covered the Sewer Phases approved by the Bond Referendum. Phase 2 has increased \$536,500, Phase 3 has increased \$1,940,000, Phase 4 has increased \$2,300,500 and Phase 5 has increased \$1,929,000. To make all of these projects work including the Bond Proceeds the impact on the City is approximately 5.5 million dollars. This will be what the City will need to invest to make all of these projects work and how prices have risen.

There was discussion between Council members, Manager Bailie and Mr. McNeill concerning the latest date this Ordinance could be modified if the proposed scope of the Phases identified became too expensive to complete due to the price increase as well as the amount of vacant property that may be included in these phases. Mr. McNeill advised Council the Ordinance was used more as a planning tool to plan the City Budget. The City will not accept the loans until they are needed. The City does not commit to the loan until the project is bid. The changes can be made prior to any projects moving forward to construction. Mr. McNeill advised Council that changes would be acceptable with the Rural Development (city funding agency). Mr. McNeill advised Council that Phases 2, 3, 4, and 5 try to take service to the most concentrated existing subdivisions throughout the City. There is a lot of vacant property between the Phases because the City did not want to have an excessive amount of pump stations. The driving force behind the layout of these phases was to serve the most densely populated areas in the city.

Mr. McNeill discussed the City's current plans to dedicate 75% of received Sales Tax to help fund these projects. The long term method to help fund the debt payment is to increase the number of customers. Council member Talbert and Mr. McNeill discussed what would happen when the 15 million dollars was exhausted. Mr. McNeill discussed with Council members the original scope of these projects stating that it has always been planned for the City to contribute 25% of the cost of the projects. We originally had 15 million dollars (bond) plus 25% City funds. Currently the comparison is more equal to 15 million dollars and 60%.

With no other discussion motion by Council member Ewings to approve the amendments, seconded by Council member Talbert and approved 7 to 1 with Council member Brown voting Nay.

4. **Rezoning request #Z06-04, to rezone property located at Welborn and Finch Farm roads, further identified as Randolph County tax parcel numbers 6797412387 and 6797613814. Request is to rezone the property from RA (Residential Agricultural) to HC (Highway Commercial). The property is owned by A.L. Honbarrier.**

Mayor Andrews opened the Public Hearing for anyone wishing to speak in favor of the request.

Speaking Against:

Donald Finch 6965 Welborn Rd: Mr. Finch discussed the citizen's names that appeared on the petition and ask that Council deny this request since these signatures represented approximately 75% of the property owners in this area.

Max Grogan 4337 Forest Manor: Mr. Grogan advised Council that his property adjoined the property in question. He discussed his reasons for locating in Trinity (rural and quiet) and how he felt this development would disturb his quality of life. He also discussed the trees that he would lose when the sewer was located on his property. Mr. Grogan discussed his fears of property devaluation if this rezoning was passed and asked Council to deny this request on the basis of devaluation of his property to increase the other property values.

Tyler Earnst 7511 Fox Chase Drive: Mr. Earnst advised Council he was a relatively new citizen in Trinity and that he moved here from High Point for the quality of life. I wanted to invest in a neighborhood that would grow in value but keep its same quality of life (quiet and rural). It seems in light of this meeting that Trinity may be painting itself into a corner to develop in order to pay bills. I live across the street and do not see how commercial will enhance our quality of life. He discussed the increase in traffic that such development would bring. He discussed the tax increase and his hopes that the City would not need to develop this property to pay bills.

Marcy Freed- 4010 Sherwood Forest Drive-Ms. Freed asked Council to consider the quality of life that is in Trinity and to deny the request.

Art Gilbert 4010 Sherwood Forest Drive Mr. Gilbert agreed with the same comments for quality of life as Marcia Freed.

Phil Taylor 4227 Forest Manor Drive- Mr. Taylor discussed the traffic problems that currently existed on Welborn and Finch Farm Road and how this development would increase traffic problems in this area as well as his feelings on how this rezoning would affect his lifestyle.

Cheryl Taylor 4227 Forest Manor Drive- Ms. Taylor discussed the noise that would be generated from traffic by cutting the trees that run behind the highway and the increased noise that would be generated from the traffic.

Speaking For the Rezoning

Max Towery, 5750 Joan Drive- Mr. Towery advised Council that he was an employee of Mr. Honbarrier. Mr. Towery advised Council and members of the audience that Mr. Honbarrier had no plans in the future for this property that he is asking to be rezoned. We feel this property should be developed as commercial property. We have 3 tracts on Welborn Road as well as the property around the meat market. It was Mr. Towery's feelings that homes alone would not pay the bills and that commercial and industry development was needed. Mr. Honbarrier will lose approximately 5 acres when sewer is installed on this property. Mr. Honbarrier has left one (1) tract of approximately 32 acres for a buffer zone that will protect the residents on Forest Manor. On the north side is a street that is only 125 feet wide and graduates down to 5 feet that will eliminate building on this property. Those residents are protected because of the wetlands and creeks. Mr. Honbarrier owns the property where the trees are located that citizens have discussed and these trees could be cut if Mr. Honbarrier chooses to do so. It was Mr. Towery's feelings that Council should consider where they will make their city and where they would like to have commercial development. It was also his feelings that this property was best suited for commercial development. It was Mr. Towery's opinion that traffic would not increase from commercial development until there was more traffic generated around the clock. Mr. Towery asked Council to give favorable consideration to this request.

With no one else speaking, Mayor Andrews asked Mr. Stumb to address Council on this issue.

Mr. Stumb discussed the location of the property included in this request. The property is zoned Highway Commercial just north of Interstate 85 at each corner of NC Highway at Finch Farm and Unity. South of Interstate 85 the property is zoned R-40 and RA. Highway Commercial is Trinity's general business district. Mr. Stumb reviewed Allowed Uses and Special Uses in this district.

Mr. Stumb discussed the 2 problems with the back property that was an issue with the Planning Board and Council members. One (1) of these problems is the creeks that run through the property. If this property were developed a 50

foot buffer would be required on either side of the creek. This would be an area that was vegetated as it is now and no development could occur in this area. The other concern is the sewer line which will follow one of the creeks and will require acquisition of additional easement.

There was a Protest Petition received in regards to this request. The current number of petition signers represents 5% of the buffer around this property. There was 5% on this Petition which does trigger the super majority vote or $\frac{3}{4}$ vote of the City Council (6) to approve this request.

There was discussion concerning the creek and the buffer as discussed earlier by Mr. Stumb. Mr. Stumb advised Council that the requirements were for a 50 foot buffer on either side of the creek. This is required by the Watershed Ordinance. The creek is tree lined and would have to remain the same.

Mayor Andrews asked if the property owner decided to cut the trees from the property if he would be required to leave the same 50 foot buffer. Mr. Stumb advised Mayor Andrews and Council that the 50 foot buffer did apply to logging.

Planning/Zoning Recommendation: The Planning Board voted to deny this request in April 2006 by a 4/3 vote.

Staff Recommendation: Staff recommends approval of the request and believes the location favors commercial in this area.

At this time, Mayor Andrews closed the Public Hearing.

Discussion from Council:

Council member Labonte discussed calls that he had received in regards to this request. He advised Council members and those present that he had received more calls in favor of the request rather than calls in opposition of the request.

Council member Bridges discussed prior Zoning Request for Highway Commercial in the heart of Trinity that was turned down. It was her opinion that this property was a great location for commercial, but, she also heard citizens concerns repeatedly asking what was planned to put on the property and how will it look. She discussed the Conditional Use Zoning in order to give us a better idea to know what types of developments were going to be put on the property. She advised residents that she heard their concerns loudly and clearly concerning about the type of development planned and the City's control of development.

Council member Talbert expressed his ideas from the stand point of building on the property and stated he felt buildings would probably reduce the highway noise not increase the highway noise. You will not get a lot of highway noise from driving into a commercial development. There will be a 50 foot buffer on both sides of the street that is equivalent to 100 foot buffer.

After a brief discussion, motion by Council member Meredith to approve the request, and seconded by Council member Brown. The vote was as follows:

Aye (approve)

Council member Brown
Council member Ewings
Council member Labonte
Council Member Lambeth
Council member Meredith

Nay (Deny)

Council member Bridges
Council member Reddick
Council member Talbert

The motion to approve the request failed and the request was denied because the $\frac{3}{4}$ vote (6) Council members were not met.

5. Amendments to Schedule of Permitted Uses

Mayor Andrews opened the Public Hearing and asked Mr. Stumb for report on this item.

Mr. Stumb reviewed the following proposed changes to the Ordinance:

1. Disallow Family Care Homes in the MF-R Zoning District.
2. Allow Home and Garden Supply Retailer, over 25,000 sq/ft as a Special Use in Highway Commercial.
3. Allow Hotels and Motels in Highway Commercial
4. Allow Laboratory, Medical and Dental in O-I and Highway Commercial
5. Mini Warehouses previously not allowed in Highway Commercial Districts was added as an allowed Use in Highway Commercial.
6. Allow mini warehouse, storage buildings in MF-R and RM exclusive to the proposed development.

7. Allow retail and membership warehouse establishments over 25,000 sq/ft as a Special Use in Highway Commercial.
8. Disallow Shooting Range, Outdoor, in RA and R-40.
9. Disallowing Tattoo and Body Piercing in CS and adding it to M-1.
10. Disallowing Telecommunications Tower in R-40.

Planning Board Recommendation: Planning Board recommended approval of these changes 7 to 10.

After review of the proposed changes by Mr. Stumb, Mayor Andrews opened the Public Hearing.

Speaking For:

Terry Riddick 4194 Oak Haven Drive: Mr. Riddick advised Council he was not speaking for or against this request; however he did have questions concerning shooting inside the City. He discussed his 20 acres of property and asked if he used fire arms to take care wolves, and other wildlife that intruded on his property and threatened his livestock would he be in violation of any of these changes

Mr. Stumb advised Mr. Reddick that this change for the Shooting Range would only affect Commercial Shooting Ranges and did not affect individuals on their own property. This change would apply only to private shooting range where persons pay to shoot.

Mr. Royals: Mr. Royals asked if a shooting range was allowed anywhere in the city.

Mr. Stumb advised this resident that he believed the only district this was allowed was in Heavy Manufacturing Zoning District. It is permitted now as a Special Use Permit.

Mayor Andrews advised Mr. Royals that if there was an existing Shooting Range in operation inside the City in other Zoning Districts it would be grandfathered. However, if it is a new business, it would have to be located in M-1 as a Special Use Permit.

Mr. Royals asked are there was a limit in the amount of property needed to operate or establish this type of business. After review, Mr. Stumb stated there was a 5 acre minimum and this use would require a Special Use Permit. If an applicant comes in and wants to establish an Outdoor Shooting Range and someone can clearly show that there is not an appropriate amount of property or that the Shooting Range would be a hazard to residents in that general area the permit could be denied.

Marcia Riddick, 4140 Oak Haven Drive: Ms. Reddick discussed the amount of property included in RA (residential agriculture) Zoning and the fact that this zoning was for property greater than one (1) acre. It was her feelings that it would be more natural to allow this type of use in the RA Zoning where there is a lot of acreage and not a lot of homes.

At this time, Mayor Andrews closed the Public Hearing

Staff Recommendation: Staff recommends approval of these changes as presented.

Discussion from Council:

Council member Bridges questioned why Outdoor Shooting Ranges were allowed in Heavy Manufacturing. Council member Lambeth discussed why this stipulation was made. If this business is allowed in Heavy Manufacturing it then becomes an Indoor Shooting Range.

Council discussed possible changes and the definition of a range and what constituted a range.

Mr. Stumb advised Council that a 5 acre minimum was required for an Outdoor Shooting Range and it does require a Special Use Permit as well.

After further discussion concerning needed changes, Council member Labonte made a ***motion to delete the outdoor shooting range from the proposed changes and to send this item back to the Planning/Zoning Board for further review and recommendation, seconded by Council member Ewings, and approved unanimously by all Council members present.***

At this time, ***Council member Bridges made a motion to approve all other changes as written, seconded by Council member Ewings, and approved unanimously by all Council members present.***

Approved Changes

- 1. Disallow Family Care Homes in the MF-R Zoning District.**
- 2. Allow Home and Garden Supply Retailer, over 25,000 sq/ft as a Special Use in Highway Commercial.**
- 3. Allow Hotels and Motels in Highway Commercial**
- 4. Allow Laboratory, Medical and Dental in O-I and Highway Commercial**
- 5. Mini Warehouses previously not allowed in Highway Commercial Districts was added as an allowed Use in Highway Commercial.**
- 6. Allow mini warehouse, storage buildings in MF-R and RM exclusive to the proposed development.**
- 7. Allow retail and membership warehouse establishments over 25,000 sq/ft as a Special Use in Highway Commercial.**
- 8. Disallowing Tattoo and Body Piercing in CS and adding it to M-1.**
- 9. Disallowing Telecommunications Tower in R-40.**

6. Amendments to Sewer Use Ordinance (no public hearing required)

A. Sewer extension connectivity (no public hearing required)

Mayor Andrews opened this item and turned discussion over to Manager Bailie.

Manager Bailie advised Council this amendment required sewer extensions made by private developers to be designed and built to continue the development of the city's wastewater collection system. This has been recommended for approval by the Infrastructure Committee and staff.

Motion to approve the Amendments to Sewer Use Ordinance, seconded by Council member Talbert and approved unanimously by all Council members present.

B. Rate & Fees schedule (text amendment only) (no public hearing required)

Mayor Andrews opened this item and turned discussion over to Manager Bailie.

Manager Bailie advised Council this amendment was to the City's Sewer Use Ordinance Rate & Fee Schedule. There is no change recommended for the rate or the fees. This amendment modifies the swimming pool adjustment provision by lowering the minimum volume of water needed to qualify for an adjustment on the sewer bill. It also specifies that billing shall be based on water consumption unless the customer is not connected to a public water supply. In general it makes the language more readable. These amendments were recommended for approval by the Infrastructure Committee and Staff.

Motion to approve the Amendment to the Rate and Fee Schedule by Council member Talbert, seconded by Council member Labonte and approved unanimously by all members present.

7. Code of Ordinances

Mayor Andrews opened this item and turned discussion over to Manager Bailie.

Manager Bailie advised members of the audience and Council that the General Statutes requires that the City codify all Ordinances adopted. This means that we put them in order and give them headings and section numbers that will make them all readable and understandable. The Council has reviewed these changes and revised some of the Codes that we received from the Codification Agent. We are asking Council for approval to submit the changes that were made to the Codification Agent. After the changes are submitted and incorporated by this agency our Code of Ordinances will be returned to us. At that time Council will approve the final Code of Ordinances.

Motion by Council member Bridges to approve the request, seconded by Council member Labonte, and approved unanimously by all Council members present.

Consent Agenda

All items on the Consent Agenda are considered routine and will be enacted by one motion without discussion. If a City Council member requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.

- 8. Consideration of minutes: May 9, 2006 Pre-agenda Meeting**
- 9. Consideration of minutes: May 16, 2006 Regular City Council Meeting**
- 10. Consideration of minutes: May 30, 2006 Special City Council Meeting**

- 11. Approval of Audit Contract**
- 12. Extend deadline to Sept. 1, 2006 for owners of undeveloped property in Phase 2 to pay discounted tap fee.**
- 13. Extend deadline to July 1, 2007 for owners of developed property in Phase 2 to pay discounted tap fee.**

Prior to approval of the Consent Agenda, Council member Bridges advised Council that she had only minor grammar corrections to the minutes and would provide the City Clerk these corrections following the meeting.

Council member Brown made a motion to approve the Consent Agenda Item's 8-13, seconded by Council member Ewings and approved unanimously by all Council members present.

Unfinished Business

- 14. Text amendments to Zoning Ordinance concerning the use of nonconforming lots and lots of record. (Tabled from May 16 Council meeting; Public Hearing was held at that time)**

Mayor Andrews opened this item for discussion .

Council member Bridges discussed comments she had read previously concerning comments received on this subject and asked for an explanation on the complaints.

Mr. Stumb advised Council that the issues were not necessarily with the use of the lots of records. The complaints did not concern the lots themselves but what was being built upon the lots. One of the most common complaints is modular homes with vinyl siding being brought into a neighborhood with all brick homes. Complaints are of this nature, however they have been limited.

Council member Talbert asked for definition concerning the statement that all setbacks must be met with no minimum lot size required.

Mr. Stumb advised Council this is what is currently allowed in the Ordinance. Our Ordinance states that no minimum lot size will be required if you have multiple lots of record.

If this amendment is approved the minimum lot size will be 20,000 square feet. In the Darr Road area there are some 50 foot lots. These could be used because there are different owners between the sections, however they must meet the setbacks, and buffers, Watershed Ordinance, and they can not build over 24% on the lot. It limits the use of 50 foot lots.

Council member Meredith made a motion to accept as proposed, seconded by Council member Talbert and approved unanimously by all Council members present.

New Business

- 15. Final Subdivision Approval – Phase 3 Colonial Village**

After Mayor Andrews opened this item, Mr. Stumb advised Council before the lots can be recorded the developer must present a final site plan showing the lot layouts with dimensions for each phase. Phase 3 of this development includes 20 single family lots.

Staff Recommendation: These lots meet setbacks per the Ordinance for this zoning district and staff recommends approval.

Motion by council member Meredith to approve, seconded by Council member Brown, and approved unanimously by all Council members present.

- 16. Special Intensity Allocation – Lot 99 Colonial Village**

After Mayor Andrews opened this item, Mr. Stumb advised Council that this was for Lot 99 a Commercial Lot in the Colonial Village Subdivision. The proposed building is a 13,000 square foot retail building with 9 units that will be combined to create two (2) three (3) units in this building. They are requesting the 70% built upon area.

All runoff from this site and all commercial lots in this area will be directed to the retention pond located on the Multi-Family development section.

Motion by Council member Talbert to approve the request, seconded by Council member Ewings, and approved unanimously.

17. Deadline for completion of Colonial Heights Sewer Project

Mayor Andrews opened this item and turned discussion over to Ms. Hinson, City Clerk/Finance Officer.

Ms. Hinson reviewed her memo and discussed the need to set a deadline for completion of this project. She advised Council members that she, Mr. McNeill, and Manager Bailie had met in an effort to establish a date for completion of this project. At this time it was the recommendation of Ms. Hinson to set August 31, 2006 as the deadline for completion of this project.

At this time, Mr. McNeill advised Council that the contractor had been allowed ample time to finish this project, however, he has made a lot of progress in the last 2 weeks concentrating on repairing yards and driveways.

There was discussion between Council members, Manager Bailie, and Mr. McNeill concerning the time limit extension granted and the other items considered in setting this deadline. Council member Lambeth asked for the start date for the Darr Road Project. Mr. McNeill advised Council members that the Notice to Proceed was this week and that the contractor had ordered material and is preparing to begin clearing rights of ways.

There was further discussion concerning the need for the contractor to complete the Colonial Heights Project prior to beginning the Darr Road Project. Mr. McNeill advised Council that the contractor needed to complete both tasks. This contractor has 4 crews that are working on these projects. Council member Reddick discussed a question concerning the hold up of this project in conjunction with a law suit the City was involved in. Mr. McNeill advised Council that the lawsuit that was filed by the apparent original low bidder contractor was what held up this project. That contractor filed an injunction and a ruling had to be made prior to beginning work on this project. This occurred after he gave a price for the project. He could not order materials because the City did not award the contract for 6 months. He did honor his prices to the City for 6 months.

Council member Ewings made a motion to accept the deadline of August 31, 2006, seconded by Council member Talbert and approved 7 to 1 with Council member Reddick voting nay.

18. Wastewater Projects Update (Randy McNeill, Davis-Martin-Powell & Assoc.)

Mr. McNeill reviewed the Projects Update.

After review of Phase 2, Council member Reddick discussed the change in the plan date for beginning this project.

She discussed the February Projects update and the date stipulated for this project bid date was May 2006. Now the date has been changed to August 2006.

Mr. McNeill advised Council members that the plan for specifications were submitted to Rural Development the third week of April and did not receive them back until June 15, 2006. This is our funding agency and without their approval we can not bid out or construct the project. Council member Reddick discussed her concern about the sewer projects moving slow. That is what I have heard from citizens. We have moved up our schedule on all projects 2 years from the February projection.

Mr. McNeill discussed an accelerated schedule that had been looked at for Phases 4 and 5. During the financial analysis plans that the City Manager and I did we moved them back. They are still more aggressive than the original dates established during the bond referendum. We feel we need to bid Phase 2, complete the design of Phase 3, and determine what the actual quantities for Phase 3 are as well as the costs before making recommendation to proceed to Phase 4. We try to do aggressive schedules and stay on target with them if possible. If not we modify these schedules as needed.

19. Appointment to Archdale-Trinity Chamber of Commerce Board of Directors

After Mayor Andrews opened this item, ***Council member Ewings made a motion to appoint Manager Bailie to represent the City with the Archdale-Trinity chamber, seconded by Council member Labonte, and approved unanimously by all Council members present.***

Business and Closing Comments from Mayor and Council

Comments from Mayor Andrews

At this time Mayor Andrews recognized Danny Phillips and asked that he be allowed to address Council at this time.

Mr. Phillips: Mr. Phillips discussed with Council the Citizen of the Year Nominations that would be presented to a citizen that was nominated at the July celebration discussed earlier. He advised Council that applications were available at City Hall and also available from Martha Stunda. He welcomed Council's participation in this event and thanked them for all of their help. He advised Council members that the entries must be submitted by Friday, noon.

The celebration will be held on Saturday, July 01, 2006. The parade will begin at 8:30.

Council Representative/Archdale Meetings

Mayor Andrews asked Council member Dwight Meredith if he would be willing to be appointed to represent the Council on any meetings held with the City of Archdale in regards to Utilities. Council member Meredith accepted the appointment.

Comments from Council

Council member Lambeth thanked residents for their attendance until the end of the meeting. Everything that happens in the City of Trinity does affect all of us that live here.

Business from City Manager

Repairs to City Hall and Assembly of Furniture

Manager Bailie thanked David Reddick and Raymond Hill for their help in assembling furniture at City Hall and Buddy Maness for repairs to the floor in the kitchen and the City Manager's door.

Trotter-Hardee Event

Manager Bailie advised Council that she had received a letter from the Trotters and that they requested I convey to the Council their thanks for your support of this event.

Guil-Rand Fire Department

I have received from Guil-Rand a listing of fire inspections over the past year.

Land Development Meeting

There will be a Land Development Plan Meeting in September. We will have 2 committee meetings, one (1) in July and one (1) in August to discuss the input that we have received from residents and Council members regarding the proposed Land Development Plan.

Trinity at the Crossroads

Manager Bailie presented a brief slide show that discussed growth and development issues some that have specific applicability to Trinity and some just to expand people's knowledge.

Adjournment

With no other business to discuss, *Council member Ewings made a motion to adjourn the June 20, 2006 Regular Meeting, seconded by Council member Meredith, and approved unanimously by all Council members present.*

These minutes were approved by the Trinity City Council at their Regularly Scheduled Meeting held on July 18, 2006 upon motion by Council member Reddick seconded by Council member Lambeth, and approved unanimously by all Council members present.